

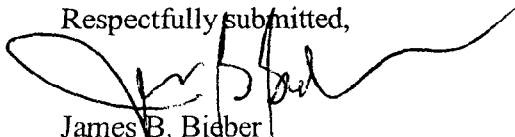


**Exhibit 5**

**Statement That Patent Term Extension Application for US 6,031,007 is Timely Filed**

Applicant, MITS and DENTSPLY International Inc. state that the approval of its NDA for ORAQIX product described and claimed in US 6,031,007 was on December 19, 2003. Applicant states that this Application for Patent Term Extension is submitted within a 60 day period permitted for submission pursuant to Section 1.720(f) the last day of said period being February 17, 2004.

Respectfully submitted,



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February 13, 2004

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